IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 726 of 2004

Between:

Polavarapu Simhachalam S/o P. Ganga Babu
R/o Devarapalli Mandal & Post 531030 Visakhapatnam District

.... PETITIONER

AND

1 Personnel Manager, O/o The Regional Manager, Andhra Pradesh
State Road Transport Corporation, Visakhapatnam Region, Visakhapatnam
2 Andhra Pradesh State Road Transport Corporation, rep by Vice Chairman

and Managing Director, Musheerabad, Hyderabad

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order or direction especially one in the nature of Mandamus: (i) declaring the orders of Andhra Pradesh State Road Transport Corporation (APSRTC), Visakhapatnam Region made in No. P2/255(6)/2001-RM/VSP, dated 22-6-2001 served on the petitioner in the middle of December, 2003 and set a side the same: (ii) declare that employees who have put in more than 240 days of service cannot be removed from service without due process of law (iii) to grant all consequential reliefs; (iv) to grant such other relief or reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.JOGAIAH SARMA

Counsel for the Respondents: SMT.B.G.UMADEVI

The Court made the following order:

ORDER:

Petitioner questions the proceedings dated 22.06.2001 in disengaging him along with other casual conductors, as they are surplus in requirement and the subsequent proceedings of the first respondent dated 27.10.2001 and 19.10.2002 in deleting the name of the petitioner from the approved list of selected candidates on the ground that the petitioner failed to report to duty when he was asked to report during the strike period.

It is the case of the petitioner that no communication has been received by him calling upon him to report to duty and in the absence of any written communication served on him the action of the respondents in deleting the his name from the approved list of the select casual conductors is illegal and unwarranted.

Admittedly, the petitioner was selected by a properly constituted selection committee during the year 2000 and he has been engaged as and when there was requirement and also at times was disengaged as and when there was slack season and the requirement was surplus. Deleting the name of the petitioner from the approved list of selected casual conductors without giving any notice and without following principles of natural justice is unsustainable as held by this Court in WP.No.19188 of 2002 dated 15.06.2004.

Following the said judgment the impugned action of the respondents is unsustainable and is accordingly set-aside.

Accordingly, the writ petition is allowed. There shall be no order as to costs.

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V. ESWARAIAH, J

November 18, 2004

Dsk

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this

Thursday the Eighteenth day of November Two thousand and Four.

To

1 The Personnel Manager, O/o The Regional Manager, Andhra Pradesh State Road Transport Corporation, Visakhapatnam Region, Visakhapatnam
2 The Vice Chairman and Managing Director, Andhra Pradesh State Road

Transport Corporation, rep by Musheerabad, Hyderabad

3 Two CD Copies.